



Public Schools of North Carolina

State Board of Education
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<http://www.dpi.state.nc.us>

Department of Public Instruction
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In North Carolina, the Department of Public Instruction (DPI) has broad responsibility for the administration of school bus transportation in the public schools through its Transportation Services section. DPI is responsible for the allotment of state funds to Local Education Agencies through a formula based in part on the efficiency of operation. DPI is also responsible for the purchase and allocation of all replacement school buses and the dissemination of State Board of Education policies dealing with school bus operations. Yellow school buses, by state law, may only be used for to- and from-school transportation and for other instructional-related purposes. Because the yellow buses are self-insured by the state through the state Tort Claims Act, in which claims are handled by the N.C. Industrial Commission, yellow buses are usually not taken out of state. There are about 13,100 public school buses in operation on any given day in North Carolina.

North Carolina LEAs also operate ACTIVITY BUSES. An Activity Bus is a school-bus-type vehicle, usually painted a color other than yellow, that is used for school related trips, including sports competition and other field trips. Activity buses are purchased from the same contract as school buses. These vehicles meet all of the safety standards as school buses. There are approximately 2000 Activity Buses in North Carolina

The Division of Motor Vehicles (DMV), School Bus and Traffic Safety Section, has responsibility for licensing and certifying ALL school bus drivers in the state. In order to operate a school bus in North Carolina, a driver must possess a commercial driver's license and a school bus driver's certificate, issued by the DMV. In state, an Activity Bus may be operated by a driver with a school bus driver's certificate. Out of state, an Activity Bus driver must have a CDL with a Passenger endorsement.

Following is information regarding several questions posed in the ANPR.

1. How many local educational agencies that operate school buses would be impacted if the FMCSRs applied to interstate class trips? There are 117 LEAs in North Carolina, many of which will travel out of state at some time for school activity trips. Some local board of education policies stipulate that activity buses are not to be taken out of state, however those nearer the state's borders with SC, GA, TN and VA are much more likely to take regular activity trips out of state.

How many school buses and drivers are involved in interstate school trips? Of approximately 2000 activity buses, I would estimate less than 5 per day are traveling out of state.

Where do "to and from school" trips occur that involve crossing state lines and how many students, drivers and buses are involved?

Of approximately 13,100 yellow school buses that serve "to and from school" trips, I would estimate that perhaps two dozen buses "loop" out of state in order to effectively serve the route. For the insurance reasons described above, this is discouraged.

2. What requirements of the FMCSRs are not currently addressed by state or local school transportation requirements? For instance, physical examination of school bus drivers and a maintenance program for school buses?"

The DMV has recently enacted rules that will require a physical examination of every school bus driver in North Carolina. The driver will have to pass this physical exam – which is more detailed than the DOT physical – every two years.

A rigorous preventive maintenance program is part of State Board of Education policy and detailed records must be kept in the state's Vehicle Fleet Management System. State law requires every school and activity bus to be inspected by the LEA every 30 calendar days. In addition, DPI transportation consultants inspect about 10% (1310) of each LEA's fleet every school year.

3. Are there limits to the number of hours that a driver may operate a school bus during school-related activities? Are there any limitations on "on-duty time" by local educational agencies?

Any such limits are enacted by LEAs. There is no state requirement in place. Many North Carolina school bus drivers work multiple jobs, so we must be very careful in how we would figure any hours of service limits for these workers.

4. What would be the incremental costs, if any, to comply with the FMCSRs for interstate trips?

Without detailed information on specific FMCSRs and how they would be applied to school interstate trips, there are no data from which to answer this question.

5. What are the potential benefits of applying all or selected FMCSRs to interstate school bus travel by local educational agencies?

We do not have reports of school bus operations or school activity trips which have safety problems. Certainly the inspection and maintenance of vehicles exceeds that which is required by the FMCSRs. There may be some intuitive value to implementing hours of service requirements for drivers for school activity trips.

6. Should FMCSA require that states receiving Motor Carrier Safety Assistance Program funds adopt state laws and regulations that are compatible with the FMCSRs for intrastate school bus transportation by educational agencies?

Without data pointing to a safety problem that such a program would correct, it is difficult to see what such a potential penalty would solve. I support rewards for states that adopt such laws and recommendations, as suggested elsewhere in the docket.

7. If states voluntarily adopt standards that are equivalent to the FMCSRs, how would they enforce them? Would more personnel be required? At what costs?

The Enforcement Section of the North Carolina Division of Motor Vehicles has responsibility for enforcing FMCSRs on North Carolina's roads. Adding a requirement to the school bus fleet that would require an oversight responsibility could require additional officers. Further, while the Department of Public Instruction inspects 10% of the fleet on an annual basis, having state staff inspect vehicles in addition to the 30-day inspections performed by the LEAs would require at least 5 full time inspectors.

8. Should the FMCSRs be applied uniformly for all providers of transportation whether they are local educational agencies, private schools or contractors?

Since there are state laws that govern LEAs, but not private schools or contractors, the application of FMCSRs to the latter two categories seems appropriate.

9. Should the FMCSRs be made applicable to all educational institutions beyond the secondary level that transport students to after-school type activities?

I have no data from which to respond to this question.

10. Should the FMCSRs apply to all interstate school bus travel, including "to and from school" trips?

To and from school trips are unique in the transportation industry. North Carolina law stipulates how routes are to be developed, how drivers are to be certified, how buses are configured and the maintenance of those vehicles. Interstate travel on these trips is strictly limited to those situations, as described above, where a bus may "loop out" of the state and then back in. The interstate travel on these trips is not "interstate in nature". That is, the crossing of state lines does not warrant the application of FMCSRs just because of routing considerations.